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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EDUARDO MARTINEZ, individually, and
IVONNE MARTINEZ, individually,

Plaintiffs,

v.

DIAMOND RESORTS INTERNATIONAL,
INC., a Delaware Corporation; DIAMOND
RESORTS U.S. COLLECTION
DEVELOPMENT, LLC, a Delaware limited
liability company; DIAMOND RESORTS
U.S. COLLECTION MEMBERS
ASSOCIATION, a Delaware corporation,

Defendants.

Case No.: 2:19-cv-01886-JAD-VCF

**STIPULATION AND [PROPOSED]
ORDER TO STAY ALL PROCEEDINGS
PENDING BINDING ARBITRATION
PURSUANT TO 9 U.S.C. § 3**

The Parties, Plaintiffs, Eduardo Martinez & Ivonne Martinez (collectively "Plaintiffs"), and defendants Diamond Resorts International, Inc. ("DRI"), Diamond Resorts U.S. Collection Development, LLC ("DRUSC"), and Diamond Resorts U.S. Collection Members Association ("DRUSCMA", and with DRI and DRUSC, "Defendants") by and through their respective counsel, hereby submit the following Stipulation and [Proposed] Order to Stay Proceedings Pending Binding Arbitration pursuant to 9 U.S.C. § 3 as follows:

RECITALS

WHEREAS, Plaintiffs filed a Complaint in the Eighth Judicial District Court, Clark County, Nevada, on October 7, 2019 against Defendants;

WHEREAS, Defendants removed the case to this Court on October 24, 2019;

1 WHEREAS, Plaintiffs' claims arise from their purchase of certain timeshare interests
2 from DRUSC;

3 WHEREAS, each purchase agreement contains a provision whereby all disputes must be
4 submitted to binding arbitration administered by JAMS pursuant to the JAMS Streamlined Rules
5 ("JAMS Arbitration");

6 WHEREAS, Plaintiffs agree that all of their claims are subject to the JAMS Arbitration
7 provision;

8 WHEREAS, the Plaintiffs will submit this matter to JAMS Arbitration within ten (10)
9 days;

10 WHEREAS, the Parties agree that proceedings in this Court should be stayed pending the
11 completion of JAMS Arbitration. The Parties further agree that this Court should retain
12 jurisdiction to confirm the arbitration award, if any, and to enter judgment, if any, for purposes of
13 enforcement.

14 **STIPULATION**

15 Plaintiffs and Defendants, by and through their attorneys of record, hereby stipulate as
16 follows:

- 17 1. All claims asserted in Plaintiffs' Complaint will be resolved through JAMS Arbitration;
18 2. Plaintiffs will submit this matter for JAMS Arbitration within ten (10) days;
19 3. All proceedings in this Court shall be stayed to allow the completion of the JAMS
20 Arbitration; and

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4. This Court shall retain jurisdiction to confirm the award, if any, and to enter judgment, if any, for purposes of enforcement.

Dated this 25th day of October, 2019.

**ALBRIGHT, STODDARD,
WARNICK & ALBRIGHT**

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ORDER

1. The stipulation of the parties to submit this matter to arbitration is **GRANTED**;
2. All pending deadlines and hearings are vacated;
3. This matter is **STAYED**, pursuant to 9 U.S.C. § 3, to allow completion of the JAMS Arbitration; and
4. Every 120 days, and no later than 30 day after the issuance of the arbitrator's decision, counsel **SHALL** file a joint status report; and
5. The Court retains jurisdiction to confirm the arbitration award and enter judgment for purposes of enforcement.

IT IS SO ORDERED.

Dated: 10/29/19


~~United States Judge~~

CAM FERENBACH
U.S. MAGISTRATE JUDGE